3106.

of the Bank pursuant to section 3024 of this title.

(Pub. L. 95-351, title II, §211, as added Pub. L. 97-35, title III, §395(a), Aug. 13, 1981, 95 Stat. 437; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

## AMENDMENTS

1986—Subsecs. (b)(3)(C), (c), (d)(2), (3). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954" wherever appearing, which for purposes of codification was translated as "title 26" thus requiring no change in text.

## **CHAPTER 32—FOREIGN BANK** PARTICIPATION IN DOMESTIC MARKETS

Sec.

3101. Definitions.

3102. Establishment of Federal branches and agencies by foreign bank.

- (a) Establishment and operation of Federal branches and agencies.
- (b) Rules and regulations; rights and privileges; duties and liabilities; exceptions; coordination of examinations.
- (c) Application to establish Federal branch or agency; matters considered.
- (d) Receipt of deposits and exercising of fiduciary powers at Federal agency prohibited.
- (e) Maintenance of Federal branch and Federal agency in same State prohibited.
- (f) Conversion of foreign bank branch, agency or commercial lending company into Federal branch or agency; approval of Comptroller.
- (g) Deposit requirements; asset requirements.
- (h) Additional branches or agencies.
- (i) Termination of authority to operate Federal branch or agency.
- (j) Receivership over assets of foreign bank in United States.

3103. Interstate banking by foreign banks.

- (a) Interstate branching and agency operations.
- (b) Continuance of lawful interstate banking operations previously commenced.
- (c) Determination of home State of foreign bank.
- (d) Clarification of branching rules in case of foreign bank with domestic bank subsidiary.

3104. Insurance of deposits.

- (a) Objective.
- (b) Deposits of less than \$100,000.
- (c) Deposits required to be insured under State law.
- (d) Retail deposit-taking by foreign banks.

3105. Authority of Federal Reserve System.

- (a) Bank reserves.
- (b) Omitted.
- (c) Foreign bank examinations and reporting.
- (d) Establishment of foreign bank offices in United States
- (e) Termination of foreign bank offices in United States.
- (f) Judicial review.
- Consultation with State bank supervisor.
- (h) Limitations on powers of State branches and agencies.

(i) Proceedings related to conviction for money laundering offenses.

- Study on equivalence of foreign bank capital.
- (k) Management of shell branches.

Nonbanking activities of foreign banks.

- (a) Applicability of Bank Holding Company Acts.
- (b) Ownership or control of shares of nonbanking companies for certain pe-
- (c) Engagement in nonbanking activities after certain period.
- (d) Construction of terms.

3106a. Compliance with State and Federal laws. 3107.

Representative offices.

- (a) Prior approval to establish representative offices.
- (b) Termination of representative offices.
- (c) Examinations.
- (d) Compliance with State law.

3108. Regulation and enforcement.

- (a) Rules, regulations and orders.
  - (b) Enforcement.
  - (c) Powers of Federal Reserve Board and Federal Deposit Insurance Corporation.

3109.  ${\bf Cooperation\ with\ foreign\ supervisors.}$ 

- (a) Disclosure of supervisory information to foreign supervisors.
- (b) Requirement of confidentiality.

3110. Penalties.

- (a) Civil money penalty.
- (b) Notice under this section after separation from service.
- (c) Penalty for failure to make reports.

3111. Criminal penalty.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 619, 1813, 3902 of this title: title 15 section 78c; title 31 sections 3121, 9110.

## § 3101. Definitions

For the purposes of this chapter—

- (1) "agency" means any office or any place of business of a foreign bank located in any State of the United States at which credit balances are maintained incidental to or arising out of the exercise of banking powers, checks are paid, or money is lent but at which deposits may not be accepted from citizens or residents of the United States;
- (2) "Board" means the Board of Governors of the Federal Reserve System;
- (3) "branch" means any office or any place of business of a foreign bank located in any State of the United States at which deposits are received;
- (4) "Comptroller" means the Comptroller of the Currency;
- (5) "Federal agency" means an agency of a foreign bank established and operating under section 3102 of this title;
- (6) "Federal branch" means a branch of a foreign bank established and operating under section 3102 of this title;
- (7) "foreign bank" means any company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, which engages in the business of banking, or any subsidiary or affiliate, organized under such laws, of any such company. For the purposes of this chapter the term "foreign bank"